

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

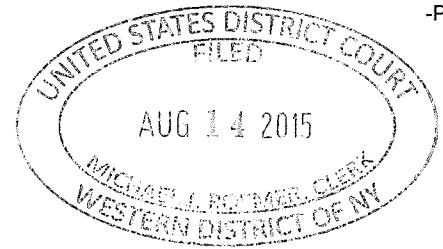
CHANIKKA MARIETTA LATRICE DAVIS PAYNE,

Plaintiff,

-v-

DEPT. OF SECURITY SANDY AMOIA, et al.,

Defendant.



DECISION AND ORDER
6:09-CV-6325 EAW

Plaintiff has filed a motion for leave to proceed *in forma pauperis* at the Court's direction following her oral request for appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1). (Dkt. 41). The affirmation of poverty has been reviewed in accordance with 28 U.S.C. § 1915(a)(1), and the Court finds that Plaintiff has met the statutory requirements for *in forma pauperis* status. Therefore, permission to proceed *in forma pauperis* is granted.

This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Cooper v. A. Sargent Co.*, 877 F.2d 170 (2d Cir. 1989), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). Pursuant to 28 U.S.C. § 1915(e)(1), courts have the inherent authority to assign counsel to represent private indigent litigants.

Additionally, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has a professional obligation to provide *pro bono* services for the poor. See New York Rules of

Professional Conduct, Rule 6.1. In addition, Rule 83.1(f) of the Local Rules of Civil Procedure provides as follows:

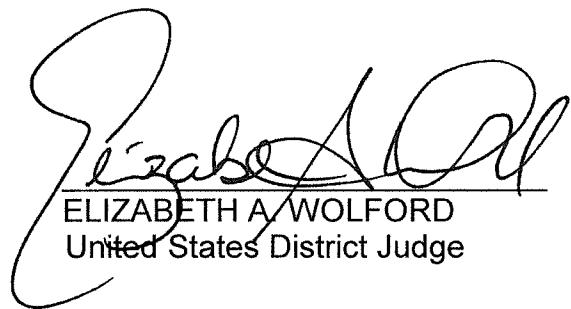
Every member of the bar of this Court who maintains, or whose firm maintains, an office in this District, shall be available upon the Court's request for appointment to represent or assist in the representation of indigent parties. Appointments under this Rule shall be made in a manner such that no Member shall be requested to accept more than one appointment during any twelve-month period.

It is in this spirit that the Court assigns Jodie L. Ryan, Esq. of McElroy, Deutsch, Mulvaney & Carpenter, LLP, 920 Bausch & Lomb Place, Rochester, New York 14604, *pro bono*, to faithfully and diligently represent Plaintiff in this case.

The Clerk of Court is directed to copy that portion of the file in this matter that is not currently available through PACER on the Court's Case Management/Electronic Case Management System and send it to Jodie L. Ryan, together with a copy of this order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.¹ The Chief Judge of the Court will also issue an Order directing PACER to waive its fees so *pro bono* counsel can access and print at no cost to her or her firm any other documents filed herein that she may need. Plaintiff's attorney is directed to contact the Court by **September 28, 2015**, to request a date for a status conference to discuss further proceedings in the case.

¹ This information and the forms are also available on the Court's web site at the Attorney Information link from the home page located at: <http://www.nywd.uscourts.gov//pro-bono-program-district-court-fund>.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: August 14, 2015
Rochester, New York